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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,064

05/02/2006

Boris Cobelens

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

LE, CHAU D

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,064	<b>Applicant(s)</b> COBELENS, BORIS	
	<b>Examiner</b> CHAU D. LE	<b>Art Unit</b> 2447	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-24 are pending.

### ***Specification***

2. The disclosure is objected to because of the following informalities:
  - page 3, line 8 and page 6, line 34 of the specification should not include the attorney docket number.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 9-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claim 9, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. The claimed subject matter is a software and as such, they fail to fall within a statutory category. They are, at best, functional descriptive software per se. Claims 10-11 are likewise rejected.

With respect to claim 12, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. The claimed subject matter is a software and as such, they fail to fall within a statutory category. They are, at best, functional descriptive software per se. Claims 13-16 are likewise rejected.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostic et al. (US Pub No. 2004/0111494 A1) in view of Zintel et al. (US Pub No. 2002/0035621 A1).

With respect to claim 1, Kostic teaches an electronic device for use on a data network wherein the network supports multiple data communication protocols (i.e., the network support both IPv4 and IPv6 ¶ 0008) and the device has an operational mode for multicasting on the data network respective query packets using respective ones of the multiple protocols (i.e., the device, it being a control device, can support multiple protocol such as IPv4 and IPv6 and can multicast an advertisement using both IPv4 & IPv6 protocols ¶ 0008, 0026-0027 & 0053). Kostic also teaches the device will

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advertise as a single device supporting both IPv4 and IPv6 protocols by advertising the same USN on both protocol stacks, otherwise the USN for IPv4 and IPv6 will be different (§§ 0034, 0053 & 0074). However, Kostic does not explicitly disclose at least a specific one of the respective query packets includes an indication representative of the device supporting the multiple protocols, which Zintel teaches (i.e., the contract describing the public behavior of the UPnP devices includes a protocol description stating the protocol the device supports §§ 0269-271 & 0563-0575) in order to provide an integrated set of addressing, naming, discovery and description processes that enables automatic, dynamic and ad-hoc self-setup by devices to interoperate with other devices on the network (§§ 0009). Therefore, based on Kostic in view of Zintel, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Zintel to the system of Kostic in order to provide an integrated set of addressing, naming, discovery and description processes that enables automatic, dynamic and ad-hoc self-setup by devices to interoperate with other devices on the network.

With respect to claim 2, Kostic and Zintel disclose the claimed subject matter as discussed above and Kostic further disclose comprising a UPnP-compliant component for querying the network based on IP multicasting (i.e., the device is a UPnP-compliant device that can multicast an advertisement to the network §§ 0031, 0045-0048) and wherein the protocols comprise IPv4 and IPv6 (i.e., the device support both IPv4 and IPv6 protocol §§ 0045). Kostic does not explicitly disclose wherein the component is configured to send the specific query packet with the indication that the component

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supports both IPv4 and IPv6. However, Kostic and Zintel teaches wherein the component is configured to send the specific query packet with the indication that the component supports both IPv4 and IPv6 (i.e., the protocol description indicates which protocol the device support (Zintel ¶ 0563-0575) and the device support both IPv4 and IPv6 (Kostic ¶ 00045), therefore the protocol description of indicates that the device support both IPv4 and IPv6). Therefore, the limitations of claim 2 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 3, Kostic and Zintel disclose the claimed subject matter as discussed above. Kostic further teaches wherein the specific query packet comprises an SSDP packet (i.e., SSDP packets are required for IPv6 and IPv4 if the device is also being advertise as IPv6 ¶ 0097) and wherein the indication is accommodated in an OPT field of the SSDP packet (i.e., SSDP packets contain an OPT field for use as an addition data field to include optional data such as the protocol the device supports ¶ 0097-0106).

With respect to claim 4, Kostic teaches an electronic device for use on a data network that supports multiple data communication protocols (i.e., the network support both IPv4 and IPv6 ¶ 0008), wherein the device supports the multiple protocols (i.e., the devices, it be a control point, can support communication with other devices using multiple networking protocols ¶ 0026-0027), the device has an operational mode for receiving via the network respective query packets using respective ones of the multiple protocols (i.e., the control point device receives a device advertisement multicast from a controlled device on the multiple protocols ¶ 0039) and the device responds to only a

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single one of the query packets using a single one of the protocols in dependence of the indication (i.e., the device, control point, receives multiple announcement from the control device on IPv4 and IPv6 but only sees the multiple announcement as a single announcement and only response once to the control device ¶ 0054 & 0176). Kostic teaches the use of a network location signature to show the source of a multicasting packet (¶ 0034). However, Kostic does not explicitly disclose at least a specific one of the query packets include an indication representative of a source of the query packets supporting the multiple protocols, which Zintel teaches (i.e., the contract describing the public behavior of the UPnP devices include a protocol description stating the protocol the device supports ¶ 0269-271 & 0563-0575) in order to provide an integrated set of addressing, naming, discovery and description processes that enables automatic, dynamic and ad-hoc self-setup by devices to interoperate with other devices on the network (¶ 0009). Therefore, based on Kostic in view of Zintel, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Zintel to the system of Kostic in order to provide an integrated set of addressing, naming, discovery and description processes that enables automatic, dynamic and ad-hoc self-setup by devices to interoperate with other devices on the network.

With respect to claim 5, Kostic and Zintel disclose the claimed subject matter as discussed above. Kostic further teaches operative to respond to only the single query packet that is the first to arrive (i.e., the control point disregard newly receives advertisement and only response to the first announcement that arrives ¶ 0042).

With respect to claim 6, Kostic and Zintel disclose the claimed subject matter as discussed above. Kostic further teaches operative to respond to only the single query packet that uses a specific one of the protocols (i.e., UPnP select a specified interface to use ¶ 0051).

With respect to claim 7, Kostic and Zintel disclose the claimed subject matter as discussed above. Kostic further teaches a UPnP-compliant component (¶ 0045) and wherein the protocols comprise IPv4 and IPv6 (i.e. the UPnP device have IPv4 and IPv6 protocol stacks ¶ 0045).

With respect to claim 8, Kostic and Zintel disclose the claimed subject matter as discussed above. Kostic further teaches the default operation should be IPv6 (¶ 0046) and operative to respond to only the query packet using IPv6 (i.e., the device, control point, receiving multiple announcement from the control device on IPv4 and IPv6 but only sees the multiple announcement as a single announcement and only response once to the control device ¶ 0054 & 0176 and since IPv6 is the default protocol, the device will only response using IPv6 ¶ 0046).

The limitation of claims 9 and 17 are rejected in the analysis of claim 1 above, and these claims are rejected on that basis.

The limitation of claims 10 and 18 are rejected in the analysis of claim 2 above, and these claims are rejected on that basis.

The limitation of claims 11 and 19 are rejected in the analysis of claim 3 above, and these claims are rejected on that basis.



The limitation of claims 12 and 20 are rejected in the analysis of claim 4 above, and these claims are rejected on that basis.

The limitation of claims 13 and 21 are rejected in the analysis of claim 5 above, and these claims are rejected on that basis.

The limitation of claims 14 and 22 are rejected in the analysis of claim 6 above, and these claims are rejected on that basis.

The limitation of claims 15 and 23 are rejected in the analysis of claim 7 above, and these claims are rejected on that basis.

The limitation of claims 16 and 24 are rejected in the analysis of claim 8 above, and these claims are rejected on that basis.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. UPnP Device Architecture 1.0 published May 2003 discloses the fundamental architecture of UPnP.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAU D. LE whose telephone number is (571) 270-7217. The examiner can normally be reached on Monday to Friday 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James H. Hwang can be reached on (571) 272-4036. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAU D LE/  
Examiner, Art Unit 2447  
04/01/2009

/Joon H. Hwang/  
Supervisory Patent Examiner, Art Unit 2447